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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,258	08/05/2003	Jeffrey D. Hanby	594SC [2630.3146.001]	7050

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EXAMINER

MOULIS, THOMAS N

ART UNIT PAPER NUMBER

3747

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/634,258

Applicant(s)

HANBY, JEFFREY D.

Examiner

Thomas N Moulis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21 and 22 is/are allowed.
- 6) ☒ Claim(s) 1-8, 12, 14, 16 and 17 is/are rejected.
- 7) ☐ Claim(s) 9-11, 13, 15, 18-20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 6, 16-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakashima et al ('640).

The reference discloses a fuel tank assembly for a fuel injected engine having the claimed elements including a fuel chamber, a bottom access hole (32) in the fuel tank, and a fuel pump subassembly (33) inserted into the fuel chamber through the bottom access hole, the fuel pump subassembly having a bottom flange (34) engaged sealably to the bottom wall (31) and covering the access hole, the fuel pump subassembly having a fuel pump carried by the bottom flange and disposed in the fuel chamber. See Figures 1 and 3-5.

Note bracket (37) extending from the flange to the fuel pump for carrying the pump.

The fuel tank is used on a motorcycle and has a forward global section and the fuel pump is disposed in the rearward section of the tank.

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-5, 7-8 ,12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakashima et al in view of Horiuchi et al ('504).

Nakashima et al disclose a fuel supply arrangement having a fuel pump and fuel filter located within a fuel tank and mounted to a flange and lid which cover an access hole in the fuel tank. Note shown by Nakashima et al is a fuel pressure regulator carried by the flange and lid. However, Horiuchi et al teach having a pressure regulator within the fuel tank and attached to the lid and flange. It would have been obvious to one of ordinary skill in the art to dispose the fuel pressure regulator within the fuel tank as taught by Horiuchi et al for various reasons, including reducing hot fuel return from the engine to the fuel tank and/or creating a modular assembly. Note the other prior art which locate the pressure regulator and fuel filter within the fuel tank. It is considered to be an obvious matter of design choice to utilize fuel resistant rubber vibration dampers between the fuel pump bracket mounts and the flange in order to prevent the subassembly unit from vibration and shock so as to increase the durability of the bracket and pump.

Allowable Subject Matter

Claims 9-11, 13, 15 , 18-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 21-22 are allowed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the various fuel supply systems for engines having in-tank fuel pumps and varying brackets and access hole sealing arrangements.

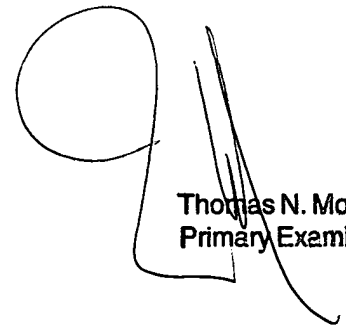
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas N Moulis whose telephone number is 703 308-2618. The examiner can normally be reached on M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Yuen can be reached on 703 308-1946. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Thomas N. Moulis
Primary Examiner